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67		TES DISTRICT COURT T OF NEW JERSEY
8	REGINA MCCLELLAN,)))
10	Plaintiff,) Civil Action No. 1:14-cv-00236-NLH-JS
11	v.) FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
12	CLIENT SERVICES, INC. d/b/a CSI,	,)
13	Defendant) (Unlawful Debt Collection Practices)
14)
15	FIRST AMENDE	ED COMPLAINT
16 17	REGINA MCCLELLAN ("Plaintiff"), by her attorneys, KIMMEL & SILVERMAN	
18	P.C., alleges the following against CLIENT SEI	RVICES, INC. d/b/a CSI ("Defendant"):
19	I. INTRO	DUCTION
20	1. This is an action for damages brought under the Fair Debt Collection Practices	
21		
22	Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDC	CPA").
23		
24	II. JURISDICTION	ON AND VENUE
25	2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C.	
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27	§1331.	
28	3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2).	

III. PARTIES

- 4. Plaintiff is a natural person who resides in Wenonah, New Jersey.
- 5. Defendant is a corporation specializing in debt collection with its principal place of business located at 3451 Harry S. Truman Blvd. St. Charles, MO 63301.
- 6. At all relevant times, Defendant acted as a "debt collector" within the meaning of 15 U.S.C. § 1692(a)(6), and attempted to collect a "debt" as defined by 15 U.S.C. §1692(a)(5).
- 7. Defendant regularly conducts business in the State of New Jersey, therefore personal jurisdiction is established.
- 8. Defendant acted through agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

IV. FACTUAL ALLEGATIONS

- 9. At all relevant times, Defendant sought to collect an alleged consumer debt from Plaintiff owed to Sears.
- 10. The alleged debt arose out of transactions that were primarily for personal, family or household use.
- 11. As Plaintiff has no business debt, the alleged debt arose out of transactions that were for personal, family or household purposes.
- 12. In February 2013, Defendant's collectors, including "Greg" among others, placed repeated harassing telephone calls to Plaintiff's home and cellular telephones in order to collect the alleged debt.
- 13. These calls originated from numbers including 800-521-3236. The undersigned has confirmed that this number belongs to Defendant.

- 14. During this time Defendant called Plaintiff, on average, two times daily, and up to four times a day.
- 15. Frustrated by Defendant's repeated calls and failure to provide information, Plaintiff advised Defendant that she no longer wished to receive phone calls.
- 16. Despite Plaintiff's request, she continued to receive phone calls and voicemail messages from Defendant.
- 17. Once Defendant was told that the calls were unwanted, there was no lawful purpose or good faith reason to place these further calls.
- 18. During these calls, Defendant also threatened that Plaintiff "better pay this or it will just get worse for [her]."
- 19. Defendant also placed calls to Plaintiff's spouse and demanded that he divulge his own personal financial information to Defendant in order to pay this debt.
- 20. Defendant took these actions described herein with the intent to harass and coerce payment from Plaintiff, without regard for Plaintiff's rights under the law.

COUNT I DEFENDANTS VIOLATED §§ 1692d and 1692d(5) OF THE FAIR DEBT COLLECTION PRACTICES ACT

- 21. Section 1692d prohibits a debt collector from engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- 22. Section 1692d(5) prohibits a debt collector from causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- 23. Defendant violated §1692d and §1692d(5) of the FDCPA by calling Plaintiff repeatedly in an attempt to harass, threatening Plaintiff that things would get worse for her if

the debt was not paid, demanding personal financial information from Plaintiff's husband, and continuing to call after being advised that Plaintiff no longer wished to receive the calls.

COUNT II DEFENDANT VIOLATED § 1692f OF THE FAIR DEBT COLLECTION PRACTICES ACT

- 24. Section 1692f prohibits a debt collector from using any unfair or unconscionable means in connection with the collection of a debt.
- 30. Defendant violated §§ 1692f by calling Plaintiff repeatedly in an attempt to harass, threatening Plaintiff that things would get worse for her if the debt was not paid, demanding personal financial information from Plaintiff's husband, and continuing to call after being advised that Plaintiff no longer wished to receive the calls.

WHEREFORE, Plaintiff, REGINA MCCLELLAN, respectfully prays for a judgment as follows:

- All actual compensatory damages suffered pursuant to 15 U.S.C. §
 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

CERTIFICATION PURSUANT TO L.CIV.R.11.2

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, REGINA MCCLELLAN, demands a jury trial in this case.

DATED: 01/20/14

By: /s/ Amy L. Bennecoff

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